

Applicant/Serial No.: Hisashi Kyotani / 10/763,435  
Filed/Conf. No. 01/23/2004 / Conf. No. 6826  
Examiner/Group: Brenda A. Lamb / 1734  
Amendment mailed: 10/26/2005  
Attorney File: MM0805US (#90326)

### **REMARKS**

This is in response to the Office Action mailed on July 26, 2005. According to the Office Action, claims 1-2, 5-7 and 11-13 were rejected as being indefinite under 35 U.S.C. 112, second paragraph. Claims 3-4 and 11 were rejected as being anticipated by German Patent DE 101 03 837 (Ehrenleitner et al.). Claims 5-7 and 12-13 were indicated to include allowable subject matter, for which the applicant expresses appreciation. Likewise, claims 8-10 were also indicated to include patentable subject matter and would be allowable if written in independent form. Finally, claim 1 and 2 were held to be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph.

Claim 1 has been rewritten in order to overcome the rejection under 35 U.S.C. 112, second paragraph. It is respectfully requested that claim 1, and its dependent claim 2, be allowed.

Claim 3 has been amended to include the allowable subject matter set forth in claim 8. Thus, claim 8 was essentially rewritten in independent form. It is therefore requested that claim 8 be allowed.

Claim 4 was rejected under 35 U.S.C. 102(e). Claim 4 has been canceled.

Claims 5, 6 and 7 continue to depend from claim 3. However, as stated above, claim 3 was amended to include the allowable subject matter of claim 8. Therefore, it is respectfully requested that claims 5-7 be allowed.

Claim 11 has been amended to include the allowable subject matter of claim 12. It is respectfully requested that claim 11 be allowed. Claim 12 has been canceled.

Claim 13 is dependent upon claim 11 which, in its present form, is allowable. Therefore, it is requested that claim 13 be allowed since its parent claim is in allowable form.

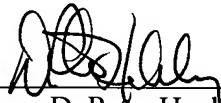
New claim 14 has been added to the application. Claim 14 is a combination of original claims 3, 4 and 8, the latter having allowable subject matter as noted above. The applicant requests that new claim 14 be allowed.

The Examiner is invited to telephone the undersigned if there are any matters to be discussed that would expedite the prosecution of the present application.

Respectfully submitted,

DPH/ck

By: \_\_\_\_\_



D. Peter Hochberg  
Reg. No. 24,603

D. Peter Hochberg Co., L.P.A.  
1940 E. 6th Street - 6<sup>TH</sup> Floor  
Cleveland, Ohio 44114  
Phone: (216) 771-3800 / Fax: (216) 771-3804  
e-mail: [dphdocket@aol.com](mailto:dphdocket@aol.com)